

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-232-C - ORDER NO. 2009-60
MARCH 5, 2009

IN RE: Complaint of E. R. (Ron) Rutter v. United)	ORDER GRANTING
Telephone Company of the Carolinas d/b/a)	MOTION TO DISMISS
Embarq)	

This matter before the Public Service Commission of South Carolina (“Commission”) initially arose on a June 13, 2008 filing by E. R. (Ron) Rutter (“Complainant”), a customer of United Telephone Company of the Carolinas d/b/a Embarq (“Embarq”), setting forth a complaint against Embarq on behalf of himself and other Embarq customers. The issue presently to be decided by the Commission is a Motion for Partial Dismissal, or in the Alternative, Partial Judgment on the Pleadings (“Motion”) filed by Embarq, which was held in abeyance due to Mr. Rutter’s illness.

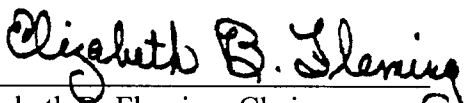
The Commission was later made aware of the death of the Complainant. For this reason, the Commission in Order No. 2008-735, dated November 13, 2008, decided to forgo rendering a decision on Embarq's Motion at the time, and postponed all remaining deadlines for ninety (90) days to allow the Executor of Mr. Rutter's estate time to communicate to the parties and the Commission how they intended to proceed in this matter.

More than ninety (90) days have passed, but the Executor of Mr. Rutter’s estate has not responded to Commission Order No. 2008-735. Therefore, the Motion for Partial Dismissal, or in the Alternative, Partial Judgment on the Pleadings filed by Embarq is


deemed uncontested and is hereby granted. The complaint is dismissed and the docket closed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)